

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

WINFORD MELVIN, JR.,	:	4:08-cv-1818
	:	
Petitioner,	:	
	:	Hon. John E. Jones III
v.	:	
	:	Hon. Martin C. Carlson
MICHAEL HARLOW,	:	
	:	
Respondent.	:	

ORDER

April 8, 2011

THE BACKGROUND OF THIS ORDER IS AS FOLLOWS:

On March 16, 2011, Magistrate Judge Martin C. Carlson issued a Report and Recommendation (“R&R”) in this matter (Doc. 53) recommending the following:

- (1) that this petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 be held in abeyance pending the completion of Petitioner’s pending PCRA petition in state court; and
- (2) that the parties provide status reports to the Court every ninety (90) days, informing the Court as to the status of Petitioner’s PCRA petition litigation.

It is quite obvious that neither party objected to the Magistrate Judge’s logical

recommendations.¹ Accordingly, we shall adopt Magistrate Judge Carlson's recommendations.²

NOW, THEREFORE, IT IS HEREBY ORDERED THAT:

1. The Report and Recommendation (Doc. 53) of Magistrate Judge Carlson is adopted in its entirety.
2. The petition for writ of habeas corpus (Doc. 1) filed pursuant to 28 U.S.C. § 2254 shall be held in **ABEYANCE** pending the completion of Petitioner's PCRA litigation in state court. Thus, the Clerk shall administratively mark this case as **STAYED**.
3. The parties shall file joint status reports on the docket at the expiration of ninety (90) days, and at the expiration of every successive ninety (90) day period thereafter. The status reports shall inform the Court as to the status of Petitioner's PCRA litigation.
4. This matter shall remain referred to Magistrate Judge Carlson for the purposes of preparing a Report and Recommendation at a point in time when the petition becomes ripe.

¹ A copy of Magistrate Judge Carlson's R&R is attached hereto.

² We note that we have referred the instant petition for writ of habeas corpus to Magistrate Judge Carlson for a R&R, thus this referral shall continue during the abeyance and this matter shall stay with Magistrate Judge Carlson so that he may prepare a R&R when the petition becomes ripe.

s/ John E. Jones III

John E. Jones III

United States District Judge